

Proceedings of the Arizona Game and Fish
Commission License Revocation and Civil
Assessment Hearings
Time Certain – 2:00 p.m.
Friday, May 13, 2011
Arizona Game and Fish Department
5000 West Carefree Highway
Phoenix, Arizona 85086

PRESENT: (Commission)

(Director's Staff)

Chairman Robert R. Woodhouse
Vice Chair Norman W. Freeman
Commissioner Jack F. Husted
Commissioner John W. Harris
Commissioner Robert E. Mansell

Director Larry D. Voyles
Deputy Director Bob Broscheid
Deputy Director Gary R. Hovatter
Assistant Attorney General Jim Odenkirk
Assistant Attorney General Linda Pollock

Hearings on License Revocations for Violation of Game and Fish Codes and Civil Assessments
for the Illegal Taking and/or Possession of Wildlife

Presenter: Gene Elms, Law Enforcement Branch Chief

Mr. Elms presented the cases below to the Commission. Each of these cases were reviewed and it was determined that all cases met the criteria established in A.R.S. §17-238, §17-245 §17-314, §17-340, §17-362, §17-363 and/or §17-502 for Commission action. The Commission and the respondents were provided with copies of the original court docket and case reports prepared by the officers along with copies of all other pertinent materials in each of these cases. Each of the following individuals was legally noticed for this hearing.

Name	Docket #	Count	Conviction
Sidney L. Harris, Jr.	2011-0030	Count A:	Obtain 2010 License by Misrepresentation
Christian Olson	2011-0038	Count B:	Take Wildlife Wrong Sex
Felipe Velazquez	2011-0039	Count A:	Possess/Transport Unlawfully Taken Wildlife
Israel Chavez	2011-0040	Count A:	Possess/Transport Unlawfully Taken Wildlife
		Count B:	Take Wildlife Closed Season
Edwin C. Jess	2011-0041	Count A:	Take Wildlife Closed Season
Steven Wannebo	2011-0043	Count A:	Set Leg Hold Trap on Public Land
		Count B:	Set Leg Hold Trap on Public Land
		Count C:	Set Leg Hold Trap on Public Land
		Count D:	Set Leg Hold Trap on Public Land
		Count F:	Set Trap Within ½ Mile of Residence
		Count G:	Set Trap Within ½ Mile of Residence
		Count H:	Set Trap Within ½ Mile of Residence
Russell F. Kovalik	2011-0044	Count A:	Possess Unlawfully Taken Wildlife
Sharon I. Kovalik	2011-0045	Count B:	Possess Unlawfully Taken Wildlife
Donald H. Chapton	2011-0046	Count B:	As Amended Obtain License by Fraud 2006
		Count D:	As Amended Obtain License by Fraud 2008
		Count E:	As Amended Obtain License by Fraud 2008
Kurt Eikmeier	2011-0047	Count B:	Take Dove Without Valid License

Roll call was taken and the following were present: Sidney Harris, Jr., Christian Olson, Felipe Velazquez, Israel Chavez, Russell Kovalik and Sharon Kovalik.

Mr. Elms stated that the civil assessment process is not intended to be punitive, but is a process allowing the Commission to recover financial damages to compensate the State for the loss of any wildlife. Hunter Education requirements are imposed as a remedial measure to increase knowledge and prevent future violations and not as punishment. The Commission was asked to consider and take action on the license revocations and/or civil assessments for the individuals listed above.

Motion: Freeman moved and Harris seconded THAT THE COMMISSION VOTE TO TAKE JURISDICTION IN THESE CASES.

Vote: Unanimous

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Felipe D. Velazquez
Docket # 2011-0039

Velazquez was found guilty by the Prescott Justice Court for: Count A: Possess/transport unlawfully taken wildlife; and sentenced Count A: Fined \$480.00.

Velazquez was present and addressed the Commission with the assistance of Region V Supervisor Raul Vega as translator. Velazquez stated that he was not aware of the transportation law and he apologized for his actions. He was transporting the deer for his friend.

The Commission confirmed with Mr. Velazquez that he was not present when the head was cut off the deer, and Mr. Velazquez saw that the deer was tagged when he transported it.

The Commission requested to hear the case of Israel Chavez before taking any action on this case.

The Commission took no action in this case.

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Israel Chavez
Docket # 2011-0040

Chavez was found guilty by the Prescott Justice Court for: Count A: Possess/transport unlawfully taken wildlife; Count B: Take wildlife during closed season; sentenced Count A: Suspended; and Count B: Fined \$480.00.

Chavez was present and addressed the Commission with the assistance of Region V Supervisor Raul Vega as translator. Chavez confirmed that Mr. Velazquez was not aware of what Chavez had done and did not know it was an illegal deer. Chavez stated that he thought he was shooting at a buck.

Case Officer Tucker was present by phone and answered questions for the Commission.

Commissioner Freeman stated that if Mr. Chavez had realized he made a mistake and called the OGT and self reported, the outcome would be very different. But because he misrepresented the truth to the officer, that is the reason for his motion.

Motion: Freeman moved and Woodhouse seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF ISRAEL CHAVEZ TO HUNT, FISH, AND TRAP IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF FIVE (5) YEARS; THAT THE CURRENT LICENSE(S) BE SUSPENDED AS OF THE DATE OF THIS HEARING, AND THAT IT/THEY BE REVOKED AS OF THE DATE THE ORDER IN THIS CASE IS SIGNED BY THE DIRECTOR; THAT HE BE REQUIRED TO COMPLETE THE HUNTER EDUCATION COURSE, AND PROVIDE PROOF TO THE DEPARTMENT'S LAW ENFORCEMENT BRANCH, BEFORE APPLYING FOR ANY OTHER LICENSE TO HUNT IN THIS STATE; THAT THE DEPARTMENT BE DIRECTED TO COLLECT CIVIL DAMAGES OR TO BRING CIVIL ACTION AGAINST ISRAEL CHAVEZ TO COLLECT THE \$1,500.00 FOR THE LOSS OF ONE (1) MULE DEER FAWN; AND FURTHER MOVE THAT THE DIRECTOR, AS SECRETARY TO THE COMMISSION, BE DIRECTED TO SIGN AND ISSUE A FINDING OF FACT, CONCLUSIONS OF LAW AND AN ORDER IN THIS MATTER PURSUANT TO THIS MOTION.

Vote: Aye - Woodhouse, Freeman
Nay - Husted, Harris, Mansell
Failed 3 to 2

Motion: Freeman moved and Husted seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF ISRAEL CHAVEZ TO HUNT, FISH, AND TRAP IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF THREE (3) YEARS; THAT THE CURRENT LICENSE(S) BE SUSPENDED AS OF THE DATE OF THIS HEARING, AND THAT IT/THEY BE REVOKED AS OF THE DATE THE ORDER IN THIS CASE IS SIGNED BY THE DIRECTOR; THAT HE BE REQUIRED TO COMPLETE THE HUNTER EDUCATION COURSE, AND PROVIDE PROOF TO THE DEPARTMENT'S LAW ENFORCEMENT BRANCH, BEFORE APPLYING FOR ANY OTHER LICENSE TO HUNT IN THIS STATE; THAT THE DEPARTMENT BE DIRECTED TO COLLECT CIVIL DAMAGES OR TO BRING CIVIL ACTION AGAINST ISRAEL CHAVEZ TO COLLECT THE \$1,500.00 FOR THE LOSS OF ONE (1) MULE DEER FAWN; AND FURTHER MOVE THAT THE DIRECTOR, AS SECRETARY TO THE COMMISSION, BE DIRECTED TO SIGN AND ISSUE A FINDING OF FACT, CONCLUSIONS OF LAW AND AN ORDER IN THIS MATTER PURSUANT TO THIS MOTION.

Commissioner Mansell commented that not leaving the deer to waste was a mitigating factor for him and he will vote aye for the lesser revocation period.

Vote: Unanimous

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Sydney L. Harris, Jr.
Docket # 2011-0030

Harris was found guilty by the Yuma Justice Court for: Count A: Obtain 2010 resident license by misrepresentation; and sentenced Count A: Fined \$300.00 and \$327.20 in court costs.

Harris was present and addressed the Commission stating that he bought a home and spent a lot of time in Arizona so he thought he became a resident.

Matthew Lopez, Attorney for Mr. Harris addressed the Commission on behalf of his client stating that Mr. Harris made a mistake and did not know he wasn't a resident.

Case Officer Allen was available by phone and answered questions for the Commission.

Motion: Husted moved and Mansell seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF SYDNEY L. HARRIS, JR. TO HUNT, FISH, AND TRAP IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF FIVE (5) YEARS; THAT THE CURRENT LICENSE(S) BE SUSPENDED AS OF THE DATE OF THIS HEARING, AND THAT IT/THEY BE REVOKED AS OF THE DATE THE ORDER IN THIS CASE IS SIGNED BY THE DIRECTOR; THAT HE BE REQUIRED TO COMPLETE THE HUNTER EDUCATION COURSE, AND PROVIDE PROOF TO THE DEPARTMENT'S LAW ENFORCEMENT BRANCH, BEFORE APPLYING FOR ANY OTHER LICENSE TO HUNT IN THIS STATE; AND FURTHER MOVE THAT THE DIRECTOR, AS SECRETARY TO THE COMMISSION, BE DIRECTED TO SIGN AND ISSUE A FINDING OF FACT, CONCLUSIONS OF LAW AND AN ORDER IN THIS MATTER PURSUANT TO THIS MOTION.

Vote: Unanimous

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Christian P. Olson
Docket # 2011-0038

Olson was found guilty by the Williams Justice Court for: Count A: Waste of edible game meat; Count B: Take wildlife wrong sex; and sentenced Counts A and B: Fined \$300.00.

Olson was present and addressed the Commission stating that he thought he was shooting at a cow elk. When he realized he shot a spike elk he freaked out. He had never done anything illegal or been in any trouble before. His conscience bothered him so much that he called the next day and turned himself in. Since the incident, he has taken the hunter education course and has volunteered his time at the Adobe Mountain Wildlife Center.

The Commission commended Mr. Olson for the steps he took following the incident to try and make amends for what he did.

Motion: Harris moved and Mansell seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF CHRISTIAN P. OLSON TO HUNT, FISH, AND TRAP IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF ONE (1) YEAR; THAT THE CURRENT LICENSE(S) BE SUSPENDED AS OF THE DATE OF THIS HEARING, AND THAT IT/THEY BE REVOKED AS OF THE DATE THE ORDER IN THIS CASE IS SIGNED BY THE DIRECTOR; THAT HE BE REQUIRED TO COMPLETE THE HUNTER EDUCATION COURSE, AND PROVIDE PROOF TO THE DEPARTMENT'S LAW ENFORCEMENT BRANCH, BEFORE APPLYING FOR ANY OTHER LICENSE TO HUNT IN THIS STATE; AND FURTHER MOVE THAT THE DIRECTOR, AS SECRETARY TO THE COMMISSION, BE DIRECTED TO SIGN AND ISSUE A FINDING OF FACT, CONCLUSIONS OF LAW AND AN ORDER IN THIS MATTER PURSUANT TO THIS MOTION.

Vote: Unanimous

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Sharon I. Kovalik
Docket # 2011-0045

Kovalik was found guilty by the Flagstaff Justice Court for: Count A: Take elk in wrong unit; Count B: Possess unlawfully taken wildlife; and sentenced Count B: Fined \$150.00.

Sharon Kovalik and her husband Russell Kovalik addressed the Commission together. Ms. Kovalik stated that she did not look at her permit and tag to notice that her hunt area was different than what she thought it was. She had unknowingly looked at the 2009 hunt regulation book instead of the 2010. Ms. Kovalik stated that this was a stupid mistake and she would gladly give up her license, but asked the Commission not to punish her husband by revoking his license for what she had done.

Case Officer Antolik was present by phone and answered questions for the Commission.

Motion: Mansell moved and Harris seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF SHARON I. KOVALIK TO HUNT, FISH, AND TRAP IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF ONE (1) YEAR; THAT THE CURRENT LICENSE(S) BE SUSPENDED AS OF THE DATE OF THIS HEARING, AND THAT IT/THEY BE REVOKED AS OF THE DATE THE ORDER IN THIS CASE IS SIGNED BY THE DIRECTOR; THAT HE BE REQUIRED TO COMPLETE THE HUNTER EDUCATION COURSE, AND PROVIDE PROOF TO THE DEPARTMENT'S LAW ENFORCEMENT BRANCH, BEFORE APPLYING FOR ANY OTHER LICENSE TO HUNT IN THIS STATE; AND FURTHER MOVE THAT THE DIRECTOR, AS SECRETARY TO THE COMMISSION, BE DIRECTED TO SIGN AND ISSUE A FINDING OF FACT, CONCLUSIONS OF LAW AND AN ORDER IN THIS MATTER PURSUANT TO THIS MOTION.

Vote: Unanimous

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Russell F. Kovalik
Docket # 2011-0044

Kovalik was found guilty by the Flagstaff Justice Court for: Count A: Possess unlawfully taken wildlife; and sentenced Count A: Fined \$100.00.

The Commission took no action in this case.

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Edwin C. Jess
Docket # 2011-0041

Jess was found guilty by the Bullhead Justice Court for: Count A: Take wildlife closed season; Count B: Cruelty to animals; and sentenced Count A: Fined \$480.00.

Jess was not present.

Motion: Freeman moved and Husted seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF EDWIN C. JESS TO HUNT, FISH, AND TRAP IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF FIVE (5) YEARS; THAT THE CURRENT LICENSE(S) BE SUSPENDED AS OF THE DATE OF THIS HEARING, AND THAT IT/THEY BE REVOKED AS OF THE DATE THE ORDER IN THIS CASE IS SIGNED BY THE DIRECTOR; THAT HE BE REQUIRED TO COMPLETE THE HUNTER EDUCATION COURSE, AND PROVIDE PROOF TO THE DEPARTMENT'S LAW ENFORCEMENT BRANCH, BEFORE APPLYING FOR ANY OTHER LICENSE TO HUNT IN THIS STATE; THAT THE DEPARTMENT BE DIRECTED TO COLLECT CIVIL DAMAGES OR TO BRING CIVIL ACTION AGAINST EDWIN C. JESS TO COLLECT THE \$250.00 FOR THE LOSS OF ONE (1) GREAT BLUE HERON; AND FURTHER MOVE THAT THE DIRECTOR, AS SECRETARY TO THE COMMISSION, BE DIRECTED TO SIGN AND ISSUE A FINDING OF FACT, CONCLUSIONS OF LAW AND AN ORDER IN THIS MATTER PURSUANT TO THIS MOTION.

Vote: Unanimous

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Steven L. Wannebo
Docket # 2011-0043

Wannebo was found guilty by the Kingman/Cerbat Justice Court for: Count A: Set leg hold trap on public land; Count B: Set leg hold trap on public land; Count C: Set leg hold trap on public land; Count d: Set leg hold trap on public land; Count F: Set trap within ¼ mile of a residence; Count G: Set trap within ¼ mile of a residence; Count H: Set trap within ¼ mile of a residence; Count I: Driving on revoked license; and sentenced a combined fine of \$3,200.40.

Wannebo was not present.

Motion: Harris moved and Husted seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF STEVEN L. WANNEBO TO HUNT, FISH, AND TRAP IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF FIVE (5) YEARS; THAT THE CURRENT LICENSE(S) BE SUSPENDED AS OF THE DATE OF THIS HEARING, AND THAT IT/THEY BE REVOKED AS OF THE DATE THE ORDER IN THIS CASE IS SIGNED BY THE DIRECTOR; THAT HE BE REQUIRED TO COMPLETE THE HUNTER EDUCATION COURSE, AND PROVIDE PROOF TO THE DEPARTMENT'S LAW ENFORCEMENT BRANCH, BEFORE APPLYING FOR ANY OTHER LICENSE TO HUNT IN THIS STATE; AND FURTHER MOVE THAT THE DIRECTOR, AS SECRETARY TO THE COMMISSION, BE DIRECTED TO SIGN AND ISSUE A FINDING OF FACT, CONCLUSIONS OF LAW AND AN ORDER IN THIS MATTER PURSUANT TO THIS MOTION.

Vote: Unanimous

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Donald H. Chapton

Docket # 2011-0046

Chapton was found guilty by the Yavapai County Superior Justice Court for: Count B: Felony forgery, amended to obtain 2006 license by fraud; Count D: Felony forgery, amended to obtain 2008 license by fraud; Count F: Felony forgery, amended to obtain 2008 license by fraud; and ordered to pay restitution to the Arizona Game and Fish Department and surrender any and all wildlife parts taken.

Chapton was not present.

Motion: Woodhouse moved and Harris seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF DONALD H. CHAPTON TO HUNT, FISH, AND TRAP IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF FIVE (5) YEARS; THAT THE CURRENT LICENSE(S) BE SUSPENDED AS OF THE DATE OF THIS HEARING, AND THAT IT/THEY BE REVOKED AS OF THE DATE THE ORDER IN THIS CASE IS SIGNED BY THE DIRECTOR; THAT HE BE REQUIRED TO COMPLETE THE HUNTER EDUCATION COURSE, AND PROVIDE PROOF TO THE DEPARTMENT'S LAW ENFORCEMENT BRANCH, BEFORE APPLYING FOR ANY OTHER LICENSE TO HUNT IN THIS STATE; AND FURTHER MOVE THAT THE DIRECTOR, AS SECRETARY TO THE COMMISSION, BE DIRECTED TO SIGN AND ISSUE A FINDING OF FACT, CONCLUSIONS OF LAW AND AN ORDER IN THIS MATTER PURSUANT TO THIS MOTION.

Vote: Unanimous

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Kurt R. Eikmeier

Docket # 2011-0047

Eikmeier was found guilty by the Yuma Justice Court for: Count A: Possess/transport unlawfully taken doves; Count B: Take dove without valid license; and sentenced Count B: fined \$84.40.

Jess was not present.

Motion: Freeman moved and Harris seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF KURT R. EIKMEIER TO HUNT, FISH, AND TRAP IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF FIVE (5) YEARS; THAT THE CURRENT LICENSE(S) BE SUSPENDED AS OF THE DATE OF THIS HEARING, AND THAT IT/THEY BE REVOKED AS OF THE DATE THE ORDER IN THIS CASE IS SIGNED BY THE DIRECTOR; THAT HE BE REQUIRED TO COMPLETE THE HUNTER EDUCATION COURSE, AND PROVIDE PROOF TO THE DEPARTMENT'S LAW ENFORCEMENT BRANCH, BEFORE APPLYING FOR ANY OTHER LICENSE TO HUNT IN THIS STATE; THAT THE DEPARTMENT BE DIRECTED TO COLLECT CIVIL DAMAGES OR TO BRING CIVIL ACTION AGAINST KURT R. EIKMEIER TO COLLECT THE \$350.00 FOR THE LOSS OF SEVEN (7) DOVES; AND FURTHER MOVE THAT THE DIRECTOR, AS SECRETARY TO THE COMMISSION, BE DIRECTED TO SIGN AND ISSUE A FINDING OF FACT, CONCLUSIONS OF LAW AND AN ORDER IN THIS MATTER PURSUANT TO THIS MOTION.

Commissioner Husted stated that he will recuse himself from voting because he was present during some of the interrogation by the case officer.

Vote: Unanimous
4 to 0
Husted recused

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These hearings concluded at 3:45 p.m.

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